

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.4725 of 2016
Decided on: 11.11.2016**

Harkirat Kaur and others

....Petitioners

Versus

General Public and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Sunny K. Singla, Advocate
for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 13.05.2016 (Annexure P3) passed by the Additional Civil Judge (Sr. Division), Malerkotla whereby Amarjeet Kaur – respondent No.2 has been allowed to contest the proceedings initiated under Section 372 of the Indian Succession Act, (in short 'the Act') for grant of Succession Certificate in respect of the assets of Sh. Jaswant Singh son of Jarnail Singh.

Counsel for the petitioners has submitted that Harkirat Kaur and others have filed an application under Section 372 of the Act for grant of Succession Certificate in respect of certain amounts detailed in headnote of the application as well as gratuity, provident fund, etc. of Jaswant Singh. Harkirat Kaur is the widow of Jaswant Singh and the minors Vipneet Kaur, Mehroob Kaur and Gurnoor Kaur are the daughters of Jaswant Singh born out of the wedlock of Harkirat Kaur and Jaswant Singh. It is further submitted that Jaswant Singh (since deceased) submitted nomination for benefit under Punjab Government Employees Group Insurance Scheme, 1982 (Annexure P6) wherein he has nominated Harkirat Kaur his wife and in the event of death, divorce, etc. Vipneet and Mehroob Kaur being daughters entitled to the benefit. It is further submitted that Harkirat Kaur and others filed a suit for declaration and the same was decreed in favour of the petitioners vide judgment and decree dated 28.09.2015. It is argued

with vehemence that keeping in view the documents Annexures P4, P5 and P6, respondent is not entitled to contest the proceedings with regard to grant of Succession Certificate, therefore, she cannot be allowed to be impleaded as a party as her presence is neither necessary nor proper for complete and effective adjudication of the matter in controversy.

I have heard counsel for the petitioners, perused the paperbook and the records.

Be that as it may, the alleged nomination form cannot be said to be a conclusive proof to negate plea of the respondent that she happens to be the widow of Jaswant Singh. A decree passed by the Civil Court at the back of Amarjeet Kaur cannot be binding upon her. As Amarjeet Kaur has claimed herself to be widow of deceased – Jaswant Singh and therefore, entitled to inherit to the estate left behind by him, it is a matter of evidence to be decided by the Court below as to whether claim of respondent No.2 or that of the petitioners is tenable in the light of rival claims of the parties. In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed *in limine*.

11.11.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No